

REMARKS

The following remarks and the above amendments are submitted to address all issues in this case, and to put this case in condition for allowance. The claims are amended solely to better define the subject matter of the instant invention. After the above amendment, application claims 1-9 are pending in the application. Application claims 1 and 5 are independent.

Applicant has studied the Office Action mailed February 26, 2007 and has the following remarks.

35 U.S.C. §103

The Examiner rejected claims 1-9 as anticipated by Galleher, Jr. (US 3,139,088). Applicant respectfully traverses these rejections on the grounds that Galleher fails to show all elements of the claims, as amended herein.

The Examiner states that “Galleher discloses the claimed invention except for the first end connecting internally to said respiratory tube,” supported by the Examiner’s application of Galleher’s FIG. 5 as Applicant’s adapter. Applicant respectfully asserts that the “modified form of [Galleher]’s invention” illustrated in FIG. 5 is inappropriate for substitution as Applicant’s adapter, as it does not show Applicant’s claimed elements representing a connection between Applicant’s adapter and a tube *included in* a laryngeal mask, which connection is accomplished either by a first end sized to connect internally (claim 1), or at least one raised rib disposed circumferentially around an external portion of said first end (claim 5).

Applicant claims three elements, one of which is detachable and two of which are joined as one entity, as the first of those two is “included in” the second of those two. These elements

are (1) the adapter, which is detachable from (2) the respiratory tube. The respiratory tube is included in and joined as one entity to (3) the laryngeal mask.

Galleher fails to show such elements and such a relationship between them. For the sole purpose of illustration herein, Applicant shall substitute Galleher's FIG. 5 for Applicant's adapter (as the Examiner did), Galleher's rib 9 for Applicant's first end (as the Examiner did) Galleher's airway 12 for Applicant's respiratory tube (as the Examiner did), and Galleher's plate 14 for a laryngeal mask (as Applicant believes the Examiner might, as the Examiner made no substitution for Applicant's "medical device" previously claimed in lieu of the laryngeal mask). Galleher's airway 12 is not joined as one entity with Galleher's plate 14, but rather, is detachably held therein. Galleher, col. 2 ll. 8-20. Galleher's "adapter" therefore does not connect to a respiratory tube so *included* in a laryngeal mask. Moreover, Galleher's first end 9 does not connect to plate 14, as required of Applicant's first end. Finally, Galleher's FIG. 5 "adapter" cannot, through airway 12, connect to Galleher's plate 14 "laryngeal mask," because FIG. 5 comprises and includes plate 14 such that the two cannot be *disconnected*.

Therefore, Galleher fails to show the claimed elements of a connection between the first end of Applicant's adapter and a tube included in a laryngeal mask, such that independent claims 1 and 5, and dependent claims 2-4 and 6-9 therefrom, are not rendered obvious by Galleher. It would not be obvious to modify Galleher to show these elements.

Conclusion

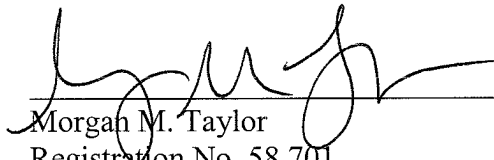
In light of the above remarks, Applicant believes there are no further issues regarding the patentability of the pending claims and respectfully requests the Examiner withdraw his rejections and allow all pending claims so that this case can pass on to issue.

Applicant encloses herewith a Request for Continued Examination and the appropriate fee. Applicant believes no additional fees are due in conjunction with this filing, however, the Commissioner is authorized to credit any overpayment or charge any deficiencies necessary for entering this amendment, including any claims fees and/or extension fees to/from our **Deposit Account No. 50-0975**.

If any questions remain, Applicant respectfully requests a telephone call to the below-signed attorney at (314) 444-1316.

Respectfully submitted,
Lewis, Rice & Fingersh, L.C.

May 29, 2007



Morgan M. Taylor
Registration No. 58,701
Attorney for Applicant

Customer Number: 22822
Lewis, Rice and Fingersh, L.C.
Attn: Box IP Dept.
500 N. Broadway, Suite 2000
St. Louis, MO 63102-2147
Tel: (314) 444-7600
Fax: (314) 612-1316